

**GOVERNMENT OF ANDHRA PRADESH  
ABSTRACT**

POLICE – APPS – Sri Y.V.Ramana, **and** Sri G.Uday Kumar - Appointment by transfer from Asst. Commandant, APSP Bns., as Deputy Superintendent of Police (Civil) – Fixation of seniority in the category of D.S.P. (Civil)– Show cause notices issued – Objections called for – Final Orders – Issued.

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**HOME (SER-I) DEPARTMENT**

**G.O. Ms.No. 7**

**Dated:10-1-2012**  
**Read the following:-**

- 1.G.O.Ms.No.157, Home (Ser.I) Department, dated 3.8.2005
- 2.G.O.Ms.No.74, Home (Ser.I) Department, dated 2.2.2009
- 3.G.O.Ms.No.301, Home (Ser.I) Department, dated 17.6.,2009
- 4.G.O.Ms.No.440, Home (Ser.I) Department, dated 26.10.2009
- 5.From the Director General of Police, A.P., Hyderabad  
Lr. Rc. No.638/G3/2004, dated 3.7.2010
- 6.From the Director General of Police, A.P., Hyderabad  
Lr. Rc.No.1171/G3/2008, dated 5.7.2010
- 7.Govt. Memo. No.1246/Ser.I/A1/2010-2, dated 4.8.2010
- 8.From the Director General of Police, A.P., Hyderabad  
Lr. Rc.No.1171/G3/2008, dated 2.11.2010

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**ORDER:-**

In the G.O. 1<sup>st</sup> read above, Government, in consultation with the APPSC, Hyderabad, issued orders appointing **Sri Y.V.Ramana**, Asst. Commandant, APSP Bns., as D.S.P. (Civil) on transfer as a special case by relaxing rules governing the post of D.S.P. Cat-2 and he joined as D.S.P. (Civil) on 2.1.2006. In the G.O. 4<sup>th</sup> read above, the Government, while relaxing rule 33 (a) of A.P. State & Subordinate Service Rules in favour of the individual, requested the D.G.P., to fix his seniority in the category of D.S.P. (Civil) along with others, by adopting the principle observed in respect of other converttees, by taking the seniority from the date on which he became Asst. Commandant, APSP Bns., Sri Y.V.Ramana, was actually promoted as Asst. Commandant, APSP Bns., on 17.6.1992.

**2.** In the G.O. 2<sup>nd</sup> read above, Government, in consultation with the APPSC, Hyderabad, issued orders appointing **Sri G.Uday Kumar**, Asst. Commandant, APSP Bns., as Deputy Superintendent of Police (Civil) on transfer as a special case by relaxing rules governing the post of D.S.P. Category-2 and he joined as D.S.P. on 24.3.2009. Further, it is specifically stated that on conversion as D.S.P. (Civil) he would maintain the same seniority in the category of D.S.P. (Civil) which he is maintaining as Asst. Commandant in APSP Bns., In the reference 3<sup>rd</sup> read above, while relaxing rule 33 (a) of A.P. State & Subordinate Service Rules, in favour of Sri G.Uday Kumar, requested the D.G.P., to fix his seniority in the category of D.S.P. (Civil) along with others, by adopting the principle observed in respect of the converttees, by taking the seniority from the date on which he became Asst. Commandant, APSP Bns. Sri G.Uday Kumar, was actually promoted as Asst. Commandant, APSP Bns., on 6.7.2000.

**3.** In G.O. Ms.No.111, Home (Ser.I) Department, dated 31.5.2007, the final seniority list of Deputy Superintendents of Police (Civil) was published. Therefore, it was provisionally decided to include the names of Sri Y.V.Ramana, at Sl.No.158 (a) and Sri G.Uday Kumar at Sl.No.332 (a) in the said final seniority list of Deputy Superintendents of Police (Civil). Accordingly, vide Government Memo. 7<sup>th</sup> read above, a show cause notice was issued to the members calling for their objections on the provisional decision of the Government.

**4.** In the reference 8<sup>th</sup> read above, the Director General of Police, A.P., Hyderabad, has furnished the objections against inclusion of the names of Sri Y.V.Ramana and Sri G.Uday Kumar, at Sl.Nos. 158 (a) and 332 (a) in the final integrated seniority list of Deputy Superintendents of Police (Civil) published vide G.O. Ms.No.111, Home (Ser.I) Department, dated 31.5.2007, and requested the

Government to take necessary action for disposal of the objections raised by the affected officers. The objections filed by the members are discussed below:

Sl. No.	Name of the Officer Sri/Smt.	Objections raised by the Officers
1.	K.V.Mohan Rao, S.P. (NC) Reg.V&E, Nellore	Circular Memo. No.57759/Ser.A/2004-1, dated 20.5.2004 of GAD had categorically issued instructions that no request for revision of seniority for a period which is more than 3 years old shall be considered.
2.	K.Narayana Naik, S.P./G.C. Grey Hounds, Hyderabad	
3.	B.Sumathi, S.P. (NC), CID, Hyderabad	Rule 33 (a) of the A.P. State & Subordinate Service Rules can not be relaxed in detrimental to the interest of several individuals.
4.	P.H.D.Ramakrishna, S.P. Int., Deptt., Hyd.	
5.	R.N.Ammi Reddy, S.P. (Admn.), Karimnagar	Rule 35 (b) of the A.P. State & Subordinate Service Rules, clearly postulates that the seniority of a member of service, class or category, who is transferred on his own request from one unit of appointment shall be fixed with reference to the date of his joining only in the latter unit of appointment.
6.	J.Parimala Hana Nutan, S.P. (NC), Principal, PTC, Warangal	
7.	M.Ravindranath Babu, Dy.C.P., Vijayawada	Rule 26 (d) of the A.P. State & Subordinate service Rules, no appeal for restoration of seniority or assignment of notional seniority on par with his juniors shall be entertained by the appellant authority after a period of 90 days from the date on which junior was promoted.
8.	M.Srinivasulu, Addl. D.C.P., Commissioner's Task Force, Hyd.,	
		Rule 3 (d) of A.P. Police Service Rules explicitly did not include the cycle or order in which their distinct categories ie., Direct Recruits, Promotees and transferees have to be considered to fill up the substantive vacancies. The ratio prescribed is 1 : 2 between direct recruits and promotees from the category of Inspector of Police and no separate ratio has been prescribed for those D.Ss.P. appointed from APSP by transfer as D.S.P. (Civil) a post included in category-2.
9.	L.S.Chowhan, S.P. (NC), Admn., Anantapur	In G.O.Ms.No.440, Home (Ser.I) Department, dated 26.10.2009, the Govt. while relaxing rule 33 (a) of A.P. State & Subordinate Service Rules in favour of Sri Y.V.Ramana, issued orders to fix his seniority in the category of D.S.P. (Civil) along with other converttees, by taking the seniority from the date on which he became Asst. Commandant, APSP Bns., ie., 17.6.1992.
10.	M.Ravi Prakash, S.P. (NC), SIB, Int., Hyd.,	
11.	S.V.Raja Sekhar Babu, S.P. (NC), SIB, Int., Hyderabad	
		The above G.O. is against the principles of natural justice and if this G.O. is implemented, the interests of the direct recruit D.Ss.P. and promotee D.Ss.P. will be defeated. As such, when there is no provision for the Asst. Commandants to

		<p>convert as D.Ss.P. (Civil), converting him as special case will affect the service matters of direct recruitee D.Ss.P.</p> <p>Hence, cancel the conversion of Sri Y.V.Ramana and not to place him at Sl.No.158 (a) in the final integrated seniority list of D.Ss.P. published in G.O. Ms.No.111, Home (Ser.I) Department, dated 31.5.2007.</p>
12.	M.Madhava Reddy, Addl. S.P. (Retd.), PCS&S, Hyderabad	<p>When Sri Y.V.Ramana and Sri G.Uday Kumar, Asst. Commandants, were converted as D.Ss.P. (Civil), on their request, if so their seniority has to be fixed from the date of their conversion to Civil Police as Rule 35 (b) of the A.P. State &amp; Subordinate Service Rules.</p>
13.	A.Venkateswara Rao, S.P. (NC), CID	
14.	K.Ramesh Naidu, S.P. (NC), V&E	<p>As per the special rules of A.P. Police Service Rules issued vide G.O. Ms.No.137, Home Department, dated 1.6.1998, there is <b>no provision</b> for conversion from Asst. Commandants of APSP to D.S.P. (Cat.2).</p> <p>The Govt. is not entitled to relax the rules unless there is a public interest involved or there is due hardship to the individual.</p>

**5.** The Government have examined the objections filed by the members and considered that as per the existing service rules, which came into existence from 1998, there is **no provision** for conversion of Asst. Commandants, APSP Bns., as D.S.P. (Civil) and there is no provision quota/rota in a given cycle for fixation of their seniority. Sri Y.V.Ramana and Sri G.Uday Kumar, promotee Asst. Commandants, APSP Bns., were converted as D.Ss.P. (Civil), on their own request, in relaxation of relevant rules, with the concurrence of APPSC, and as per the new service rules, there is no provision for conversion and quota/rota. Rule 33 of A.P. State & Subordinate Service Rules, was also relaxed in their favour for fixation of their seniority duly reckoning the services as Asst. Commandant, APSP Bns., in the post of D.S.P. (Civil). There is no provision for conversion as per Special Rules issued in G.O. Ms.No.137, Home Department, dated 1.6.1998. As per rule 35 (b) of A.P. State & Subordinate Service rules, seniority of a member of service who is transferred on his own request from one unit of appointment shall be fixed with reference to the date of his joining only in the latter unit of appointment. In 2007 (5) SCC 580, the Hon'ble Supreme Court of India held as follows:

"We are concerned with their inter se seniority ultimately counts for promotion to the next higher cadre. The post of Deputy Superintendent of Police is a feeder post in that sense and when the post is a feeder post, the inter se seniority has the role to play. In the circumstances, if deputation is not the source of recruitment, then even in exceptional cases of this nature, weightage cannot be given, in exceptional cases of this nature, weightage cannot be given in the absence of the rules, to the services rendered by Ms. Amrit Brar in CRPF. Rule 14 talks of relaxation. However, rule 14 if not applicable to the rules which do not provide for recruitment through deputation. Rule 14 would have applied if the said 1959 Rules had a third source of recruitment, namely, deputation. There is no such third source of recruitment. Hence, rule 14 has no application. Rule 14 refers to relaxation of Rules. Rule 14 contemplates existence of a rule of recruitment. If there is no such rule providing for third source of recruitment, the Government cannot relax a non-existent rule. Therefore, the High Court had erred in treating deputation as a third source of recruitment. There is a difference between direct appointment as a source of

recruitment and deputation/transfer as a source of recruitment. In certain cases, cited before us, weightage has been given to the service put in by transferee. However, in all those cases, the third source of recruitment was transfer/deputation. In the present case, there is no such rule to that extent. There is an error in the impugned judgment of the High Court. As stated above, Ms. Amrit Brar has put in 5 years service as a deputationist in Punjab Police Service between 16.8.1993/17.8.1993 and 11.9.1998. She is certainly entitled to the weightage for the services rendered by her during these 5 years. However, she is not entitled to weightage of service between 9.6.1989 and 16.8.1993/17.8.1993, as held by the High Court, for the fixation of inter se seniority”.

**6.** In view of rule 35 (b) of the A.P. State & Subordinate Service Rules, 1996 and keeping in view the aforesaid observations of the Hon’ble Supreme Court in similar case, and in the absence of the third source of recruitment (ie., for appointment by conversion) **reckoning of service** rendered by Sri Y.V.Ramana and Sri G.Uday Kumar **as Asst. Commandants**, APSP Bns., for the purpose of seniority in the category of D.S.P. (Civil) **cannot be taken into consideration.**

**7.** The Government have therefore, decided that there is merit in the objections filed by the members, and accordingly hereby **direct** that the **seniority** of Sri Y.V.Ramana and Sri G.Uday Kumar, as Asst. Commandants, APSP Bns., **be counted** in the category of D.S.P. (Civil) from the **date of their joining in the conversion** post of D.S.P. (Civil), as the conversions were made of their own request and in terms of Rule 35 (b) of A.P. State & Subordinate Service Rules.

**8.** The Director General of Police, A.P., Hyderabad, shall take necessary further action in the matter.

**(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)**

**P.GAUTAM KUMAR**  
**PRINCIPAL SECRETARY TO GOVERNMENT**

To  
The Director General of Police, A.P., Hyderabad  
The individuals **thro’**  
the Director General of Police, A.P., Hyderabad

**Copy to:-**

PS to Minister (Home)  
PS to Principal Secretary to C.M.  
SF/SC

//FORWARDED BY ORDER//

**SECTION OFFICER**